

**Chapter 8.60****CIVIL DEFENSE--EMERGENCY SERVICES**

(569-3/51, 1503-7/69, 1757-8/72, 2464-12/80)

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**8.60.010 Purposes.** The declared purpose of this chapter is to provide for the preparation and carrying out of plans for the protection of persons and property in this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations and affected private persons. (569-3/51, 1503-7/69, 1757-8/72)

**8.60.020 Definitions.** Unless a different meaning is apparent from the context or is specified elsewhere in the code, the following definitions shall be used:

- (a) "Civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from actual or threatened enemy attack.
- (b) "Civil Defense/Emergency Services Organization" means the organization that prepares for and carries out emergency planning and civil defense and emergency operations by government, business and the community in general, in order to prevent, minimize and repair injury and damage resulting from actual or threatened emergency or civil defense.
- (c) "Civil Defense/Emergency Services Plan" means a written document which provides for the full utilization of all resources of the city, both human and material, during civil defense or emergency.
- (d) "Director" means the Director of Civil Defense and Emergency Services of the city.
- (e) "Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property in this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. (569-3/51, 1503-7/69, 1757-8/72)

**8.60.030 Council created.** There is created a Civil Defense and Disaster Council, consisting of the Director who shall be Chairman, Deputy Director who shall be the Vice Chairman, Chief of Police, Director of Public Works, or their representatives, Coordinator of Defense/Emergency Services planning and training, and any city department head who may be appointed by the Director, and representatives of civil, business, labor, veterans, professional or other organizations, not to exceed five in number, as may be appointed by the Director. (569-3/51, 1503-7/69, 1757-8/72, 2464-12/80)

**8.60.040 Council--Powers and duties.** It shall be the duty of the Civil Defense and Disaster Council, and it is empowered, to review and recommend for adoption by the City Council, civil defense and emergency service plans, mutual aid plans and agreements, and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements. The Civil Defense and Disaster Council shall be advisory in nature, and may present such advice and recommendations as it deems necessary. The Civil Defense and Disaster Council shall meet upon call of the Chairman, or in his absence or inability to call such meeting, upon the call of the Chairman's authorized representative or the Vice Chairman. (569-3/51, 1503-7/69)

**8.60.050 Director--Office created.** There is created the Office of Director of Civil Defense/Emergency Services who shall be the City Administrator of Huntington Beach. (569-3/51, 1503-7/69, 1757-8/72)

**8.60.060 Deputy director--Office created.** There is created the Office of Deputy Director of Civil Defense/Emergency Services who shall be the Fire Chief of Huntington Beach. (1757-8/72, 2464-12/80)

**8.60.070 Director--Powers and duties enumerated.** The Director is hereby empowered to:

- (a) Request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
- (b) Request the governor to proclaim a state of emergency when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;
- (c) Control and direct the effort of the emergency organization of this city to accomplish the purpose of this chapter;
- (d) Direct cooperation between and coordinate services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them;
- (e) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
- (f) In the event of the proclamation of a local emergency, as herein provided, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director is hereby empowered:
  - (1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council,
  - (2) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer same for public use,

- (3) To require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in the county in which this city is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers.
- (4) To requisition necessary personnel or material of any city department or agency,
- (5) To execute all of his ordinary power as City Administrator, of all special powers conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council; all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.
- (g) The Director of Civil Defense/Emergency Services shall designate the order of succession to his office to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.
- (h) The Deputy Director shall, under the supervision of the Director, have such other powers and duties as may be assigned by the Director. (569-3/51, 1503-7/69, 1757-8/72, 2464-12/80)

**8.60.080 Plan--Formulation.** The Director shall prepare and maintain, on a current basis, a Civil Defense/Emergency Services Plan as necessary to carry out the purpose of this chapter. The Civil Defense/Emergency Services Plan shall be consistent with the plans of the state and federal governments and shall hereafter be referred to as "the Plan." (1503-7/69, 1757-8/72)

**8.60.090 Plan--Contents.** The Plan shall set up the assignment of emergency duties and functions of all city agencies and employees, and volunteer organizations, as well as the lines of succession of the members of the civil defense emergency services organization. (1503-7/69, 1757-8/72)

**8.60.100 Plan--Adoption and amending.** The Plan and amendments thereto shall be placed on file with the City Clerk by the Director, and approved or disapproved by the City Council within thirty days of such filing. The Plan, and amendments if any, shall be effective upon filing with the City Clerk unless disapproved by the City Council within thirty days of such filing. (1503-7/69, 1757-8/72)

**8.60.110 Director--Assignment of duties and functions.** In assigning emergency duties and functions to city agencies and personnel, the Director shall assign responsibilities to utilize to the maximum the skills and talents of city employees. When the requisite skill or talent for a particular responsibility is not available within the city government, the Director is authorized to seek assistance on a volunteer basis from persons outside the city government. The Director shall assign duties to such persons, and grant the authority to carry out their respective responsibilities during and after the occurrence of a disaster. (1503-7/69, 1757-8/72)

**8.60.120 Plan--Effect.** The Plan shall be binding upon all agencies of city government, its employees and registered volunteer disaster service workers, and have the effect of law whenever an emergency, as provided in this chapter, has been proclaimed. (1503-7/69, 1757-8/72)

**8.60.130 Organization--Creation.** There is created the Huntington Beach Civil Defense/Emergency Services Organization. All officers and employees of the city shall be a part of such organization. The Director shall train and organize all employees and officers of the city for purposes of maintaining the civil defense/emergency capability of the city. The Director is

authorized to use volunteer forces during an emergency including, but not limited to, groups, organizations and persons who by agreement or by operation of law are charged with the duty to protect the life and property of persons in the city during a disaster. (1503-7/69, 1757-8/72)

**8.60.140 Plan--Service Chiefs.** The Plan, as set out in this chapter, shall provide for the appointment of Service Chiefs who shall be responsible for the carrying out of all duties and functions assigned in the disaster Plan. Duties of Service Chiefs shall include the organization and training of city officers, employees and volunteers. Each Service Chief shall formulate an operational Plan which shall become a part of the Plan, as specified herein. Before an operational Plan may become a part of the Civil Defense/Emergency Services Plan, it must first be approved by the Director. The Director shall determine whether the operational Plans are in conflict with the Civil Defense/Emergency Services Plan. If the operational Plans are in conflict with the Civil Defense/Emergency Services Plan, the Director shall reject such operational Plans. Each Service Chief shall be responsible for the care, for the maintenance and for the proper use of any special equipment or property which may be obtained by or assigned to him from time to time by the Director. (1503-7/69, 1757-8/72)

**8.60.150 Emergency curfew.** The Director is hereby empowered to establish an emergency curfew in the event of a local emergency, or when a disaster or state of emergency is declared by the President of the United States or the Governor of the state of California. (1503-7/69, 1757-8/72)

**8.60.160 Expenditures.** Any expenditures made in connection with emergency activities including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city of Huntington Beach. (1757-8/72)

**8.60.170 Violations--Misdemeanor.** It shall be a MISDEMEANOR for any person during an emergency to:

- (a) Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- (b) Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter if such act is of such a nature as to give or be likely to give assistance to enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay the defense or protection thereof;
- (c) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state. (1503-7/69, 1757-8/72)